

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action that was mailed February 16, 2011. All of the rejections are respectfully traversed. Additionally, withdrawal of the finality of the Office action and reexamination and reconsideration in light of the following remarks and replies are respectfully requested.

The Office Action

In the Office Action that was mailed February 16, 2011:

claims 26-30 and 32-44 were rejected under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 6,167,448 to Hemphill et al. ("Hemphill"); and

claims 31 and 41 were rejected under 35 USC §103(a) as allegedly being obvious in view of Hemphill and U.S. Patent Application Publication No. 2003/00114650 A1 by Freed et al. ("Freed").

The Finality is Premature

Section 707.07(F) of the MPEP asserts that in order to provide a complete application file history and to enhance the clarity of the prosecution history record, an Examiner **must** provide clear explanations **of all actions** taken by the examiner during prosecution of an application. Additionally, the same section asserts that "where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it."

In the present case, and most clearly, the Office Action repeats the rejections made with regard to **claims 31 and 41** under 35 USC § 103(a) in view of Hemphill and Freed **without taking note of the substance** of all of Applicants' arguments **and without answering the substance of them.**

For example, the Office Action does not take note of or answer the substance of the Applicants' argument, presented on pages 19 and 20 of the Amendment filed November 30, 2010 (Amendment F), that while cited lines 2-6 of paragraph 42 of Freed include the word --proxy-- and indicate that a secure socket layer device acts as a proxy for one or more servers, that **does not disclose or suggest** that a device model agent

is implemented as a device proxy or implemented in a device proxy within an application server.

For at least the foregoing reasons, the Applicants have been denied an opportunity to better understand the position of the Office, and **no clear issue has been developed** between the Examiner and the Applicants. **Accordingly**, it is respectfully submitted that the **finality** of Office action of February 16, 2011 is **premature** and withdrawal thereof is respectfully requested.

Additionally, the Office action repeats the rejections of **claims 34-40 and 42-44 without taking note of or answering the substance** of the arguments submitted in support of those claims provided on, for example, pages 18 and 19 of the Amendment filed on or about November 30, 2010 (i.e., Amendment F). In particular, it is noted that **claim 36** recites a services host server that is operative to exchange information including at least one of unit billing meter configuration parameters, billing meter readings, unit document processor consumables supply information, available document processor functions that can be added to the unit, selected document processor document functions to be added to the unit, selected document processor functions to be completed from the capabilities of the unit.

It is respectfully submitted that since the Office action does not respond to these arguments, **the Office action is not complete as to all matters**, and no clear issue has been developed between the Examiner and the Applicant's contrary to MPEP § 707.07(f) and MPEP § 706.07.

For at least the foregoing reasons, it is respectfully submitted that the **finality** of the Office action that was mailed February 16, 2011 is **premature** and supervisory review and **withdrawal** thereof is respectfully requested.

Lastly, while it is noted that pages 10-14 of the Office action of February 16, 2011 include a section labeled "Response to Arguments" that gives the appearance of responding to arguments presented in Applicant's Amendment F, it is respectfully submitted that in general, the section applies an **impermissible gist-type reasoning**, contrary to MPEP § 2141.02(II) that overlooks aspects recited in the claims or applies **impermissible hindsight reasoning** based on information gleaned only from the present application to conclude that elements of Hemphill "could" disclose those

aspects.

Still further, it is noted that the present Office action includes **a new ground of rejection** with regard to **claim 29**. In an effort to support the rejection of **claim 29**, the present Office action cites Fig. 2 and reference numerals 202 and 205. It is respectfully submitted that the previous Office action did not cite these portions of Hemphill against **claim 29** and the reliance of the Office action on these portions now represents **a new ground of rejection** that was not necessitated by Applicant's amendment or by the filing of an Information Disclosure Statement. Accordingly, as explained in MPEP § 706.07(a) the present Office action may not be made final and withdrawal of the finality is respectfully requested.

Additionally, it is respectfully submitted that **since the Office action repeats the rejection of claims 34-44** without taking note of applicant's arguments or answering the substance of them, contrary to MPEP § 707.07(f), the Office action is not complete, contrary to MPEP § 707.07 **no clear issue** has been developed between the Examiner and the Applicant with regard to at least these claims, contrary to MPEP § 706.07. Therefore, the **finality** of the present Office action **is premature** and withdrawal thereof is respectfully requested.

Accordingly, withdrawal of the finality of the present Office action and a careful review of all of the arguments in support all of the claims is respectfully requested.

The Present Application

By way of brief review, the present application is directed toward a system for remotely supporting a family of products even when the products are deployed in the field. For example, as recited in independent **claim 36**, embodiments include a system for remotely supporting a family of document processing products even when the document processing products are deployed in the field. The system provides for an **interchangeable device model**. For example, **each device model** (122, 123) provides the system with information regarding classes of information that can be communicated to and from a respective product of the family of products. Additionally, a respective device model includes at least identifications of classes of information that can be communicated to and/or from each of the products of the family of products. A device

model agent is operative to use information in the device model to provide communication services between a respective unit associated with the device model and other system elements, such as a services host server. The device model agent (or code therefor) can be reused in a wide variety of products or in association therewith. The device model can be customized on a device-by-device basis. **Accordingly**, the system can support a broad family of products without the need to write and/or update custom communication code in association with each product. **Instead**, all that need be provided for the system to support a new or revised product is to provide a new or revised device model for that product.

The Cited Documents

In stark contrast, it is respectfully submitted that the management event notification of the primary citation of the Office action to Hemphill **does not disclose or suggest device models** of the type recited in the claims of the present application. Furthermore, the cited management event notification systems of Hemphill **does not disclose or suggest** a device model agent of the type recited in the claims of the present application. For example, the Office Action draws an analogy between a "management communication layer" of Hemphill and the interchangeable device model recited, for example, in **claim 26**. **However**, there is no indication in Hemphill that the cited management communication layer is anything other than an example of the tightly coupled communication method and system architecture discussed, for example, in paragraph 7 of the present application (as the paragraphs are numbered in the published version of the application 2004/0125403 A1). Furthermore, there is no indication in Hemphill, and importantly **the Office does not cite any indication in Hemphill** that the management communication layer includes identifications of classes that can be read by a device model agent or mappings indicating how the classes of information can be communicated to and/or from the first product that can be read by a device model agent.

With regard to the device model agent recited, for example, in **claim 26**, the Office draws an analogy to the "management agent" discussed, for example, at column 7, lines 23-26, of Hemphill.

However, even if it can be argued that there are some similarities between the functions of the management agent of Hemphill and the device model agent of the present application, it is respectfully submitted that Hemphill **does not disclose or suggest** that the management agent of Hemphill is operative to read an interchangeable device model and access information according to that device model as is recited in **claim 26**.

Reply to Response to Arguments/Identification of Clear Errors

The Applicant's gratefully acknowledge the inclusion of a "Response to Arguments" section on pages 10-14 of the present Office action. However, it is respectfully submitted that the Response to Arguments highlights **clear errors** in the reasoning of the Office in rejecting the claims in the present application.

For example, it is respectfully submitted that the response to arguments makes it clear that the Office is distilling the invention down to a "gist" or "thrust" that disregards particular aspects recited in the claims and the "as a whole" requirement as outlined in **MPEP § 2141.02** and applying impermissible hindsight reasoning contrary to **MPEP § 2142**.

For example, at the bottom of page 10 of the Office action, the Response to Arguments addresses the argument that Hemphill does not disclose or suggest a device model of the type recited in the claims. In response, the Office action refers to a discussion in Hemphill of communication logic communicatively coupled to a network for sending and receiving information according to any desired format or protocol. However, this does not disclose or suggest a device model. It is respectfully submitted that one of ordinary skill in the art would understand that the device model of the present application is information that can be read. For example, **claim 26** of the present application recites that inter alia: at least one respective device model agent that is operative to read the interchangeable device model. It is respectfully submitted that the cited portion of column 7 does not disclose or suggest that a device model is read.

It is respectfully submitted that **claim 26** recites that the interchangeable device model includes at least identifications of classes of information that can be

communication to and/or from each of the products of the family of products and mappings indicating how the classes of information can be communicated. It is respectfully submitted that nothing in cited column 7, line 6-10 discloses or suggests the inclusion of such a model in the managed device of Hemphill.

In apparent recognition that Hemphill does not disclose the subject matter for which it is relied, the Office action appears to attempt to find the needed subject matter by re-characterizing the subject matter from column 7, lines 6-10 by asserting that "in other words" the communication logic in the devices are being managed and monitored throughout the system, can communicate "any desired information" of any type "which is identifying classes of information".

In this regard, first it is noted that, contrary to this assertion, cited column 7, lines 6-10 do not indicate that "any desired information of any type" can be communicated.

Second, the indication in cited column 7, lines 6-10 that the managed devices of Hemphill can communicate over a network according to any format or protocol (without having a bearing on the invention of Hemphill) **does not disclose or suggest** that the managed devices of Hemphill include an interchangeable device model that includes, for example, a list of the kinds of information available from the particular device. Moreover, the cited portion of column 7 **does not disclose or suggest** that the managed devices of Hemphill include a device model that describes mappings indicating how the classes of information can be communicated to and/or from the product. It is respectfully submitted that the only motivation for interpreting lines 6-10 of column 7 of Hemphill as disclosing such a model is **impermissible hindsight reasoning** based only on information gleaned from the present application.

Alternatively, the Office is applying an impermissible gist-type reasoning that ignores or overlooks the recitation in, for example, **claim 26** indicating that this information is available in the device model and that the device model can be **read** by a device model agent.

For at least the foregoing reasons, the rejection of **claim 26** is based on clear error and withdrawal thereof is respectfully requested.

Next, in the concluding portion of the first paragraph of the Response to Arguments, in the top half of page 11 of the Office action, the Office action appears to apply **impermissible gist** reasoning contrary to MPEP § 2141.02(ii), ignores the recitation in, for example, **claim 26** and substitutes the Office's misinterpretation of what an interchangeable device model is. In this regard, the Office action asserts that the interchangeable device model is what the current application refers to as a common device model or an abstract device model which in turn, the Office action characterizes as "just an application programming interface."

However, as indicated above, this characterization overlooks the recitation in, for example, **claim 26**. Additionally, as indicated, for example, in **paragraph 70** of the present application (as the paragraphs are numbered in the published version, i.e., US 2004/025403 A1) implementation of a device model agent of the present application adopts a model based approach to create device abstractions. While the device models used for this purpose are based on industry standard efforts, the implementation according to embodiments of the present application of a common model with device interfacing (e.g., the identification of device specific classes of information and mapping information) **is unique**.

Accordingly, it is respectfully submitted that the subject portion of the response to arguments highlights the impermissible "gist" type reasoning (MPEP § 2141.02(ii)) of the Office action and therefore **clear errors** associated with the rejection of, for example, **claim 26**.

The remainder of page 11 and top of page 12 of the Office action outlines characteristic of the system of Hemphill generally and the management agent of Hemphill in particular. Notably, the subject section includes no assertion that the management agent reads a device model. Nevertheless, the subject portion concludes that the management agent of Hemphill "therefore is able to read an interchangeable device model and thus can access information according to the device being managed." For support of this conclusion, the Office action cites column 7, lines 23-28 of Hemphill. **However**, the cited portion merely indicates that the management agent of Hemphill detects a plurality of events that may occur on the managed device and may include, for

example, instrumentation code and a management communication layer. It is respectfully submitted **that there is no indication in the cited portion** that the management agent of Hemphill reads a device model. The Office action appears to imply that the only way for the management agent of Hemphill to accomplish its tasks is for the management agent of Hemphill to be able to read a device model. **However**, this simply isn't true. For example, the management agent of Hemphill could be implemented in software dedicated to a particular device with sensor signals or event triggers hardwired to inputs of a microcontroller and/or with software that accesses information in the device via addressing that is hard coded into the software when, for example, the software is compiled or assembled. **This is in stark contrast** to the more flexible arrangement of the present application, wherein, for example, a reusable device model agent reads information regarding the classes of information that are available and mapping information for accessing that information at run-time.

It is respectfully submitted that since Hemphill does not disclose that the management agent reads information class information or mapping information, Hemphill **does not anticipate** the claims of the present application and it is **clear error** for the Office to read such a device model and device model agent into Hemphill through impermissible hindsight reasoning (MPEP § 2142) or impermissible "gist" type reasoning (MPEP § 2141.02(II)).

Further in this regard, the Office is reminded that to **anticipate a claim**, the reference must teach every element of the claim and the elements must be arranged as required by the claim (MPEP § 2131).

Toward the middle of page 12, the Office action asserts that it would be obvious to one of ordinary skill in the art that there exists a method of mapping that makes the communication between the management agent of Hemphill and the managed device of Hemphill possible. Even if this assertion were correct, the mere fact that a mapping exists **does not mean that a device model exists** that records and makes readable information regarding that mapping. Further in this regard, it is noted that the present claims are rejected under 35 USC § 102(b). Accordingly, what is at issue is what is **anticipated** by Hemphill.

Next, near the beginning of the bottom half of page 12 the Office action asserts that "communication between management agents and managed devices in the network where the managed devices are all comprising different communication protocols and schemes and are sending and receiving different type of information, requires some kind of mapping and indication of how different types of information are being communicated."

First, it is noted that the Office action provides no citation indicating that the managed devices of Hemphill all comprise different communication protocols and schemes and are sending and receiving different types of information. Accordingly, the applicant's assume that this assertion is related to the previously cited discussion at column 7, lines 6-10. **However**, that cited portion **does not** indicate that the managed devices all comprise different communication protocols and schemes. Instead, it is submitted that the cited portion indicates that Hemphill is not concerned with the particular format or protocol used and simply, therefore, indicates that the managed device includes communication logic coupled to the network for sending and receiving information according to any desired format or protocol (singular). Second, it is respectfully submitted that even if the assertion that some kind of mapping were required were true (and this is disputed) that **does not** mean that a device model, readable by a device agent, is required. As indicated above, instead, each managed device can include completely custom communications software and hardware with information access information hard coded into the related software at compile, link or assembly time.

For at least the foregoing additional reasons, it is respectfully submitted that the "Response to Arguments" section of the present Office action highlights **clear errors** of the Office action.

With regard to **claim 27**, the Office action indicates that "the Examiner submits that since the limitation of this claim and independent claim 26 are similar therefore the above response to argument regarding arguments of claim 26 also applies to arguments of dependent claim 27."

However, it is respectfully submitted that this assertion **highlights a misunderstanding** of the subject matter of the present application. **Claim 27** recites inter alia: at least one respective second unit of a second product of the family of products, a second interchangeable device model and at least one respective copy of the device model agent. Accordingly, **claim 27** highlights a difference between the subject matter of the present application and Hemphill. **According to the present application, a simple copy** of the device model agent can be used in conjunction with a completely different product. Accordingly, software can be reused. It is respectfully submitted that Hemphill **does not disclose** a generic or reusable device model agent that can configure itself for operation with a new device by reading a device model of that device.

For at least the foregoing reasons, the rejection of **claim 27** is based on clear error and withdrawal thereof is respectfully requested.

With regard to **claim 28**, the Response to Arguments cites column 6, lines 5-11 of Hemphill. However, it is respectfully submitted that the indication there that a user can be notified when a software update is available and that tools are provided that allow the new update to be fetched from servers set up on the users network **does not disclose or suggest** at least one services provider that is operative to exchange information with the services host of the type recited in **claim 26**. Again, it is respectfully submitted that the Office is applying an impermissible “gist” reasoning contrary to MPEP § 2141.02(ii) and the rejection of **claim 28** is based on clear error.

With regard to **claim 29**, the Response to Arguments refers to the management agents 205 of the managed devices 202 depicted in Figure 2 of Hemphill. However, as indicated above, even if the management agents of Hemphill are included in the managed devices of Hemphill since the management agents of Hemphill **do not**, for example, read an interchangeable device model as is recited in **claim 26**. The management agents of Hemphill are not analogous to the device model agent of the present application and Fig. 2 **does not anticipate** the subject matter of **claim 29**.

With regard to **claim 30**, the Office action refers to a management server of Hemphill shown as being in communication with managed devices in Fig. 1 of Hemphill. In this regard, the Office action asserts: "this can be the management server as claimed as well."

However, it is respectfully submitted that **claim 30** does not recite a management server. Instead, **claim 30** recites an application server that is operative to receive application software from at least one services provider and make software application modules available for transmission to and installation in the at least one respective device model agent for performing new services in conjunction with the at least one respective unit. **Moreover**, it is respectfully submitted that the assertion: "this can be the management server as claimed as well", makes it clear that the Office is envisioning a modification to Hemphill wherein the management server of Hemphill is changed to be more like an application server of the type recited in claim 30. It is respectfully submitted that this is **impermissible hindsight reasoning** and a **clear error** of the Office action. The issue is whether or not Hemphill anticipates a **claim 30**, not whether or not Hemphill could be adapted according to claim 30.

For at least the foregoing additional reasons, the rejections of **claim 30** are based on **clear error** and withdrawal thereof is respectfully requested.

With regard to arguments submitted in support of **claim 32**, the response to argument indicates that "the Examiner respectfully responds that as explained before any device in the system such as a managed devices in Hemphill's invention include the application programming interface that makes the communication for receiving and sending information in and out of the device in accordance with the different type of communication protocols possible. **However**, this assertion again applies an impermissible "gist" reasoning that overlooks particular aspects recited in claim 32. For example, **claim 32** indicates that an application programming interface is operative to determine which means of communication are available and to select one or more communication means from the available communication means. It is respectfully submitted that even though column 7, lines 6-10 of Hemphill indicate that a managed device includes communication logic coupled to a network for sending and receiving

information according to any desired format or protocol (singular) **this does not disclose or suggest** that the managed devices are able to communicate according to all communication protocols. Instead, it is respectfully submitted that the cited portion indicates that Hemphill is not concerned with the particular type of communication protocol used by the managed device. Furthermore, even if the cited portion is fairly construed as indicating that the managed device is somehow able to communicate according to any communication protocol ever known or to be known in the future, Hemphill **does not disclose or suggest** that an application program interface determines which protocols are available and that an application program interface makes a selection. For example, it might be that a user of the system of Hemphill makes that selection. It is respectfully submitted that the cited portions of Hemphill are simply silent on this point and therefore **do not anticipate** the subject matter of **claim 32**.

For at least the foregoing additional reasons, the rejection of claim 32 is based on impermissible hindsight reasoning and therefore includes clear errors.

With regard to **claim 33**, the Office action asserts that communication at least via HTTP is discussed throughout Hemphill. However, it is respectfully submitted that this assertion implies an **impermissible "gist"** type reasoning contrary to MPEP § 2141.02(ii). **Claim 33** does not recite the mere existence of HTTP. **Claim 33** recites that the application programming interface supports communication via at least HTTP and a plurality of other protocols. It is respectfully submitted that the cited portions of Hemphill **do not disclose or suggest** that an application programming interface supports the protocols recited in **claim 33**.

For at least the foregoing additional reasons, the rejection of **claim 33** is based on clear error and withdrawal thereof is respectfully requested.

It is noted that the Office action does not respond to arguments submitted in support of **claims 34, 35, 36-40 and 42-44**. In particular, it is respectfully submitted that Hemphill does not disclose a system for remotely supporting a family of **document**

processing products. Accordingly, Hemphill does not anticipate claims 36-44. In the rejection of claims 36-40 and 42-44 are based on clear error.

Additionally, it is noted that the response to arguments does not address the arguments in support of **claims 31** and **41**. It is respectfully submitted that the response to arguments does not address these arguments because no appropriate response is available and the rejections of **claims 31** and **41** in view of Hemphill and Freed are based on clear error and withdrawal thereof is respectfully requested.

Still further, it is respectfully submitted that **since the Office action repeats the rejection of claims 34-44 without taking note of applicant's arguments or answering the substance of them**, contrary to MPEP § 707.07(f), the Office action is not complete, contrary to MPEP § 707.07 **no clear issue** has been developed between the Examiner and the Applicant with regard to at least these claims, contrary to MPEP § 706.07. Therefore, the **finality** of the present Office action is **premature** and withdrawal thereof is respectfully requested.

The Claims Are Not Anticipated

Claims 26-30 and **32-44** were rejected under 35 USC §102(b) as allegedly being anticipated by Hemphill.

However, to anticipate a claim, the reference must teach every element of the claim. Furthermore, the elements must be arranged as required by the claim (MPEP §2131).

It is respectfully submitted that contrary to the assertions of the Office Action, Hemphill **does not teach** every element of the claims arranged as required by the claims.

Additionally, it is respectfully submitted that the Office appears to be impermissibly distilling the invention down to a "gist" contrary to MPEP §2141.02(II) in a manner that overlooks and ignores aspects of the claimed systems and methods.

For example, with regard to the interchangeable device model recited in **claim 26**, the Office Action cites column 7, lines 26-35, of Hemphill and draws an analogy between the management communication layer of Hemphill and the recited interchangeable device model. The Office Action asserts that the management

communication layer of Hemphill is said to be responsible for understanding a management protocol and calls the instrument code to acquire data or to perform management control operations. **However**, the Office Action does not address the particulars recited in the claim. In this regard, it is respectfully submitted that the Office is **impermissibly distilling** the invention down to a “gist” contrary to MPEP §2141.02(II). For instance, the cited portion **does not disclose or suggest** that the management communication layer for a first product is selected from a family of device models or even a family of management communication layers wherein each member of the family of device models (or management communication layers) includes at least identifications of classes of information that can be communicated to or from each of the products of the family of products **and mappings indicating how the classes of information can be communicated to and/or from the first product**. It is respectfully submitted that the Office Action does not address these particulars because Hemphill **does not disclose or suggest** these particulars.

With regard to the at least one respective device model agent recited in **claim 26**, the Office Action cites column 7, lines 23-26, of Hemphill and draws an analogy between the device model agent of **claim 26** and the management agent discussed in Hemphill. The Office Action asserts that the management agents detect a plurality of management events. The Office Action asserts that the management device includes the management communication layer. The Office Action cites column 1, lines 58-60, and asserts that management events are responded to with proper actions. **However**, the cited portion indicates that in one embodiment, the management **server** includes an event processor or processor logic that executes the code to perform the desired actions in response to the particular management event. It is respectfully submitted that cited column 1, lines 58-60, is **unrelated to a device model agent or even the management agent of Hemphill**.

The Office Action also cites column 7, lines 28-34 and asserts that it is disclosed that the management communication layer is responsible for understanding management protocol.

However, none of the citations or assertions of the Office Action address the recitation in **claim 26** indicating that the at least one device model agent is operative to

read the interchangeable device model. It is respectfully submitted that Hemphill **does not disclose or suggest** that a management agent "reads" the management communication layer. It is respectfully submitted that such language would be foreign to the communication layer/management agent architecture of Hemphill. It is respectfully submitted that the device model of the present application is not fairly construed as a communications layer and the management communication layer of Hemphill is not fairly read as being or including an interchangeable device model. Since the management communication layer of Hemphill is not a model, the management agent of Hemphill is not operative to read the management communication layer.

For at least the foregoing reasons, the rejection of **claim 26** is based on **clear errors** and **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

Additionally, **claim 26** recites that the at least one respective device model agent is operative to access information in the at least one respective unit and to provide information to the at least one respective unit **according to the interchangeable device model**. It is respectfully submitted that while the cited portion indicates that the management agents are implemented to detect any one or more of a plurality of management events that may occur on the managed device, the cited portion **does not disclose or suggest** that this detection is done "according to the interchangeable device model" or "according to the management communication layer" that the Office finds analogous to the recited interchangeable device model.

Indeed, as clearly explained in cited column 7, lines 26-35, it is the management communication layer of Hemphill that acquires data and cited column 7, lines 23-26, **do not disclose or suggest** that the management agent reads a device model and accesses information or provides information to the respective unit according to that model.

For at least the foregoing additional reasons, it is respectfully submitted that the rejection of **claim 26** is based on **clear errors**, and **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

In apparent reference to the recitation of the device model agent in **claim 26** indicating the device model agent is operative to communicate with at least one other

element of the system regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message and service request information, the Office Action cites various portions of Hemphill and indicates that various activities occur.

However, the cited portions do not indicate that the management agent communicates with at least one other system element regarding, for example, the referenced software updates. Further in this regard, it is respectfully submitted that Fig. 2 implies that the **management agents 205 communicate only with an event notification module 204** included in the same system element (managed device 202) as the management agents 205. Accordingly, it is respectfully submitted it does not appear that the management agents of Hemphill are operative to communicate with at least one other element of the system regarding the at least one unit over at least one communications link according to terms, parameters, structures or protocols that are common to the products of the family of products regarding at least one of unit configuration parameters, unit status information, available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message and service request information as is recited in **claim 26**.

For at least the foregoing additional reasons, the rejection of **claim 26** is based on clear errors and **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

With regard to the services host recited in **claim 26**, the Office Action cites column 7, lines 62-65, and column 6, lines 5-7, of Hemphill and asserts that the management server of Hemphill is the services host recited in **claim 26**.

However, the four lines cited from column 7 indicate that the management server includes a server interface that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol. The cited portion of column 7 **does not indicate** that the management server is operative to exchange information with the at least one respective device model agent or even the

management agent that the Office asserts is analogous to the device model agent recited in **claim 26**.

The three lines cited from column 6 indicate that another action category is software updates, which are actions that notify the user whenever a new software update to software on their network becomes available on a corresponding website. The cited portion **does not indicate** that the management server of Hemphill is operative to exchange information with the at least one respective management agent of Hemphill that the Office find analogous to the recited device model agent from **claim 26**. Again, it is respectfully submitted that the Office Action appears to be impermissibly distilling the invention down to a "gist" **contrary to MPEP §2141.02(II)** in a manner that overlooks and ignores recitation in the claims. Further in this regard, it is respectfully submitted that only information gleaned from the present application would cause one to misinterpret Hemphill in this way. Accordingly, it is respectfully submitted that the rejection of **claims 26-30** and **32-43** are based on impermissible hindsight reasoning.

For at least the foregoing additional reasons, **claim 26**, as well as **claims 27-35**, which depend therefrom, is not anticipated by Hemphill.

With regard to the recitation in **claim 27** of a second interchangeable device model, the Office Action cites column 7, lines 26-35, without explanation.

However, the cited portion discusses a management agent which may include, for example, instrumentation code and a management communication layer. The cited portion indicates that the management communication layer is responsible for understanding a management protocol, such as any one of the traditional protocols including SNMP, DMI, etc, or any other management protocol including HTTP-based communication as described elsewhere in Hemphill. The cited portion also indicates that the management communication layer calls the instrumentation code to acquire data or to perform management control operations. The cited portion **does not disclose** or suggest a second interchangeable device model for the second product selected from the family of device models wherein the second interchangeable device model includes mappings indicating how the classes of information can be communicated to and/or from the second product. Further in this regard, it is noted that

this is the same citation made by the Office Action with regard to the first interchangeable device model. It is respectfully submitted that the cited portion **does not disclose or suggest** that a second management communication layer (if that is indeed what is being cited in regard to **claim 27**) is any different than the management communication layer cited with regard to the device model recited in **claim 26**.

Again, it is respectfully submitted that the Office Action is impermissibly distilling the invention down to a "gist" **contrary to MPEP §2141.02(II)** and is misinterpreting Hemphill based on information gleaned only from the present application. Accordingly, the rejection of **claim 27** is based on impermissible hindsight reasoning.

For at least the foregoing additional reasons, the rejection of **claim 27** is based on clear errors and **claim 27** is not anticipated by Hemphill.

With regard to the recitation of at least one respective copy of the device model agent, the Office Action cites the same portions of columns 7, 1 and 6 as recited with regard to the at least one respective device model agent recited in **claim 26**.

However, in regard to **claim 27**, the portions are cited without comment. Accordingly, arguments similar to those submitted in support of **claim 26** are submitted in support of **claim 27**. Hemphill **does not disclose** and certainly the cited portions do not disclose at least one respective copy of the device model agent that is operative to read a second interchangeable device model or even a management communication layer that the Office finds analogous to the recited device model. Moreover, the cited portions **do not disclose** a copy of a device model agent operative to provide information to at least one respective unit of a second product according to the second interchangeable device model. Still further, the cited portions do not disclose or suggest a device model agent or even a management agent operative to communicate with a services host regarding the at least one unit as is recited in **claim 27**.

For at least the foregoing additional reasons, the rejection of **claim 27** is based on clear errors and **claim 27** is not anticipated by Hemphill.

With regard to **claim 28**, the Office Action cites only column 6, lines 5-7, without comment.

In this regard, it is noted that column 6, lines 5-7, were also cited in regard to the device model agent of both **claims 26 and 27**.

However, **claim 28** recites at least one services provider that is operative to exchange information with the services host. It is respectfully submitted that the indication at cited column 6, lines 5-7, that another category is software updates, which are actions that notify the user whenever a new software update to software on their network becomes available on a corresponding website **does not disclose** a services provider that is operative to exchange information with the services host. **Clarification of the assertions of the Office Action in this regard are respectfully requested.**

It is respectfully submitted that the mere indication that the system of Hemphill has a category of actions related to software updates **does not disclose** the particular architecture recited in claim 28 and the Office is impermissibly distilling the invention down to a "gist" contrary to MPEP § 2141.02(II).

For at least the foregoing additional reasons, the rejection of **claim 28** is based on clear errors and **claim 28** is not anticipated by Hemphill.

With regard to **claim 29**, the Office Action cites column 7, lines 26-35, which was first cited in regard to the interchangeable device model without further comment.

However, **claim 29** recites aspects of the at least one respective device model agent. Accordingly, the citation is not understood and/or the rejections are inconsistent. Clarification of the rejection is respectfully requested. In the event that the Office meant to cite discussion of the management agent of Hemphill, while the Applicants recognize that the model agent is disclosed as being included in a managed device 202, as indicated above, it is respectfully submitted that the management agent of Hemphill is not otherwise analogous to the respective device model agent recited in **claims 29 and 26** for the reasons presented above in regard to **claim 26**. Accordingly, for at least the foregoing reasons, **claim 29** is not anticipated by Hemphill.

It is respectfully submitted that the **new citation** to reference numerals 202 and 205 of Fig. 2 does not cure the deficiencies of the citation of column 7, lines 26-35. The management agent of 205 of Hemphill does not meet the description of the device model agent recited in **claim 26 and 29**. Accordingly, the depiction of the management agent 205 in Figure 2 of Hemphill **does not anticipate** the subject matter of **claim 29**.

For at least the foregoing additional reasons, the rejection of **claim 29** is based on **clear error** and **claim 29** is not anticipated by Hemphill.

With regard to **claim 30**, the Office Action cites column 7, lines 62-66.

However, column 7, lines 62-65, were previously cited in regard to the recitation of a services host server in **claim 26** and **claim 30** recites an application server. Additionally, **the Office Action provides no explanation** as to why column 7, lines 62-66, are being cited in regard to the application server recited in **claim 30**. Accordingly, it is respectfully submitted that no clear issue is being developed between the Examiner and the Applicants with regard to claim 30.

Additionally, the cited portion indicates that the management server includes a server interface that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol, such as IP packets or the like, via the network. It is respectfully submitted that **the cited portion does not disclose or suggest** an application server that is operative to receive application software modules from at least one services provider and make the software application modules available for transmission to and installation in the at least one respective **device model agent** for performing new services in conjunction with the at least one respective unit. Clarification of the assertions of the Office in this regard are respectfully requested.

For at least the foregoing reasons, the rejection of **claim 30** represents a **clear error** of the Office Action and **claim 30**, as well as **claims 32** and **33**, which depend therefrom, is not anticipated by Hemphill.

With regard to **claim 32**, the Office Action cites column 7, lines 6-22, without comment or explanation.

However, **claim 32** recites that at least one of the respective at least one unit, the services host server and the application server further comprise an application programming interface that is operative to *inter alia*: determine which means of communication are available to the application programming interface, to select one or more communication means from the available communication means for communicating with at least one other system element. It is respectfully submitted that while the cited portion of column 7 indicates that the managed device includes

communication logic for sending and receiving information according to any desired format or protocol, the cited portion **does not disclose or suggest** an element that is operative to determine which means of communication are available. Still further, it is respectfully submitted that the cited portion does not disclose or suggest an element that is operative to select one or more communication means from the available communication means. Clarification of the assertions of the Office in this regard are respectfully requested.

For the foregoing reasons, it is respectfully submitted that the rejection of **claim 32** includes clear errors and **claim 32** is not anticipated by Hemphill.

With regard to **claim 33**, the Office Action cites column 8, lines 10-15.

However, the cited portion indicates that the event processor logic may be implemented as a web server back end process such as the common Gateway Interface, the Internet Server Application Programming Interface standard, the Netscape server API or any other suitable back end process. Allegedly, as a results, the communication is platform independent. However, it is respectfully submitted that **none of that discloses** the application programming interface of **claim 32** supports communication via at least HTTP, HTTPS, JMS, email, 10BaseT, 100BaseT, 10Base2, Modem, IEEE 802.11X, and Bluetooth protocols.

In any event, **claim 33** depends from **claim 32** and is not anticipated by Hemphill for at least that reason.

With regard to **claim 34**, the Office Action cites column 7, lines 42-61, of Hemphill.

However, the cited portion discusses acquiring hardware management data. While the cited paragraph indicates that management agents may be implemented as code modules comprising software in a given implementation, the cited paragraph is completely silent with regard to a device model agent (or even a management agent) of Hemphill being further operative to add new service received from an applications server to the device model agent (or even management agent), start a service running and/or stop a service. Clarification of these assertions of the Office in this regard is respectfully requested.

For at least the foregoing additional reasons, the rejection of **claim 34** is based on clear errors and **claim 34** is not anticipated by Hemphill. Furthermore, **claim 34** depends from **claim 26** and is not anticipated for at least that reason.

With regard to **claim 35**, the Office Action cites column 3, lines 16-19.

However, while the cited portion indicates that managed elements can include a number of devices, the cited portion does not disclose that a managed element comprises an image processing device as is recited in **claim 35**.

For at least the foregoing additional reasons, **claim 35** is not anticipated by Hemphill.

The middle of page 10 of the Office Action asserts that **claims 36-44** are system claims corresponding to system **claims 26-35**, respectively, and are rejected under the same reasons. Accordingly, to the extent that this assertion is accurate, arguments similar to those submitted in support of **claims 26-35** are submitted in support of **claims 36-44**.

Additionally, it is noted that **claims 36-40** and **42-44** are directed toward a system for remotely supporting a family of document processing products and recite aspects particular thereto. For example, **claim 36** recites a services host server that is operative to exchange information including at least one of: unit billing meter configuration parameters, billing meter readings, unit document processor consumables supply information, available document processor functions that can be added to the unit, selected document processor functions to be added to the unit, selected document processor functions to be deleted from the capabilities of the unit.

Claim 37 recites aspects particular to a second document processing product.

Claim 38 recites aspects related to the unit document processor consumables status information and the selected document processing functions to be added to the unit.

For at least the foregoing additional reasons, the rejection of **claims 36-40** and **42-44** are based on clear errors and **claims 36-40** and **42-44** are not anticipated by Hemphill.

The Claims Are Not Obvious

Claims 31 and 41 were rejected under 35 USC §103(a) as allegedly being obvious in view of Hemphill and Freed.

Claims 31 and 41 make reference to at least one respective device model agent being at least one of: implemented as a device proxy and implemented in a device proxy within an applications server.

In this regard, the Office Action stipulates that this subject matter is not disclosed by Hemphill and cites lines 2-6 of paragraph 42 of Freed.

However, as has been previously argued and not responded to, while the cited lines include the word --proxy-- and indicate that a secure sockets layer (SSL) device **acts as a proxy for one or more servers** and that a client recognizes the device as the server, the cited portion of Freed **does not disclose or suggest that a device model agent** is either implemented as a device proxy or implemented in a device proxy within an application server, as is recited in **claims 31 and 41**.

For at least the foregoing reasons, **claims 31 and 41** are not anticipated and are not obvious in light of Goldstein and Freed.

Additionally, as has been previously argued and not responded to, the Office **has not met its burden** of presenting a *prima facie* case of obviousness. For example, in an apparent effort to justify the combination, the Office Action asserts that "one of the ordinary skilled in the art would be motivated to be able to configure a device to act as a proxy or the client can recognize the device as the server."

As best as this can be understood, it is an assertion that one would be motivated to make the suggested combination. However, it does not suggest a reason why someone would be motivated to make this combination. Accordingly, the Office has not met its burden of presenting a *prima facie* case of obviousness, and **claims 31 and 41** are not anticipated and are not obvious in light of Goldstein and Freed.

Still further, it is respectfully submitted that the only motivation for combining subject matter from lines 2-6 of paragraph 42 of Freed with subject matter from Hemphill is information gleaned only from the present application.

Accordingly, the rejection of **claims 31 and 41** is based on **impermissible hindsight reasoning (clear error)** and, **claims 31 and 41** are not anticipated and are not obvious in light of Goldstein and Freed.

Telephone Interview

In the interests of advancing this application to issue the Examiner is invited to telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 26-44 remain in the application. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

☒ Remaining Claims, as delineated below:

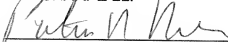
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA
TOTAL CLAIMS	19	- 25 =
INDEPENDENT CLAIMS	2	- 4 =

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

Respectfully submitted,

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5/12/11
 Date